

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

----- X
JONATHAN PETROSINO, individually and on :
behalf of all others similarly situated, :

Plaintiffs, :

-against- :

FASTENAL COMPANY, :

Defendant. :

Case No. 1:22-cv-00705-MAD-DJS

----- X
NOTICE OF MOTION TO DISMISS

PLEASE TAKE NOTICE THAT, upon the accompanying Memorandum of Law in support of Defendant Fastenal Company's ("Defendant") Motion to Dismiss the Complaint, dated October 21, 2022, and all of the papers and proceedings herein, Defendant hereby moves this Court for an order pursuant to Rule 12(b)(1) and (6) of the Federal Rules of Civil Procedure, dismissing plaintiff Jonathan Petrosino's ("Plaintiff") Complaint with prejudice in its entirety, and awarding to Defendant such other and further relief as the Court deems just and proper.

Dated: New York, New York
October 21, 2022

Respectfully submitted,

OGLETREE, DEAKINS, NASH,
SMOAK & STEWART, P.C.

By: s/ Evan B. Citron

Evan B. Citron

Jessica R. Schild

599 Lexington Avenue, 17th Floor

New York, NY 10022

(212) 492-2500

evan.citron@ogletree.com

jessica.schild@ogletree.com

*Attorneys for Defendant
Fastenal Company*